

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**IVO JUHANI, BERNARD BURLEW,
KENYON OSTER, CHRISTIAN WILBUR,
and OSIEL SALDIVAR, on behalf of
themselves and all others similarly situated,**

Plaintiffs,

-against-

Index No. 13 Civ. 3653

**CROWN GROUP HOSPITALITY, LLC, THE
LION RESTAURANT GROUP, LLC d/b/a
THE LION, 24 EAST 81ST STREET
RESTAURANT, LLC d/b/a CROWN, 57 EAST
54TH STREET, LLC d/b/a BILL'S FOOD
AND DRINK, JOHN G. DELUCIE, SEAN
LARGOTTA, and MARK THOMAS AMADEI,**

Defendants.

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**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS
SETTLEMENT, PROVISIONAL CERTIFICATION OF THE SETTLEMENT
CLASS, APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL,
AND APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Class Action Settlement ("Plaintiffs' Brief") and the Declaration of Denise Schulman in Support of Plaintiffs' Motion for Preliminary Approval ("Schulman Declaration"), Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Settlement Agreement and Release ("Settlement Agreement"), attached as Exhibit 1 to the Schulman Declaration;
- (2) conditionally certifying under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes a class consisting of all individuals who worked for Defendants as servers, runners, bussers, bartenders, and barbacks during the Relevant Statutory Period, as Defined in the Settlement Agreement ¶¶ 1.6, 1.25;
- (3) appointing Joseph & Kirschenbaum LLP and Berke-Weiss & Pechman LLP as Class Counsel;

- (4) approving the proposed Notice of Class Action Settlement (“Rule 23 Notice”) attached as Exhibit 2 to the Schulman Declaration;
- (5) approving the Parties’ proposed schedule for final settlement approval; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached as Exhibit 3 to the Schulman Declaration.

Dated: August 15, 2014
New York, New York

Respectfully submitted,

/s/ D. Maimon Kirschenbaum
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*Attorneys for Plaintiffs, FLSA Collective
Plaintiffs, and the class*